

House File 188 - Introduced

HOUSE FILE 188

BY MASCHER

A BILL FOR

1 An Act providing for midwife licensure and providing for a fee
2 and a penalty, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2015,
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician and
5 surgeon, physician assistant, psychologist, chiropractor,
6 nurse, dentist, dental hygienist, dental assistant,
7 optometrist, speech pathologist, audiologist, pharmacist,
8 physical therapist, physical therapist assistant, occupational
9 therapist, occupational therapy assistant, orthotist,
10 prosthetist, pedorthist, respiratory care practitioner,
11 practitioner of cosmetology arts and sciences, practitioner
12 of barbering, funeral director, dietitian, marital and family
13 therapist, mental health counselor, social worker, massage
14 therapist, midwife, athletic trainer, acupuncturist, nursing
15 home administrator, hearing aid dispenser, or sign language
16 interpreter or transliterator means a person licensed under
17 this subtitle.

18 6. "*Profession*" means medicine and surgery, podiatry,
19 osteopathic medicine and surgery, practice as a physician
20 assistant, psychology, chiropractic, nursing, dentistry,
21 dental hygiene, dental assisting, optometry, speech pathology,
22 audiology, pharmacy, physical therapy, physical therapist
23 assisting, occupational therapy, occupational therapy
24 assisting, respiratory care, cosmetology arts and sciences,
25 barbering, mortuary science, marital and family therapy,
26 mental health counseling, social work, dietetics, massage
27 therapy, midwifery, athletic training, acupuncture, nursing
28 home administration, hearing aid dispensing, sign language
29 interpreting or transliterating, orthotics, prosthetics, or
30 pedorthics.

31 Sec. 2. Section 147.2, subsection 1, Code 2015, is amended
32 to read as follows:

33 1. A person shall not engage in the practice of medicine
34 and surgery, podiatry, osteopathic medicine and surgery,
35 psychology, chiropractic, physical therapy, physical

1 therapist assisting, nursing, dentistry, dental hygiene,
2 dental assisting, optometry, speech pathology, audiology,
3 occupational therapy, occupational therapy assisting,
4 orthotics, prosthetics, pedorthics, respiratory care,
5 pharmacy, cosmetology arts and sciences, barbering, social
6 work, dietetics, marital and family therapy or mental health
7 counseling, massage therapy, midwifery, mortuary science,
8 athletic training, acupuncture, nursing home administration,
9 hearing aid dispensing, or sign language interpreting
10 or transliterating, or shall not practice as a physician
11 assistant, unless the person has obtained a license for that
12 purpose from the board for the profession.

13 Sec. 3. Section 147.13, Code 2015, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 25. For midwifery, the board of midwifery.

16 Sec. 4. Section 147.14, subsection 1, Code 2015, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. x. For midwifery, a total of seven members,
19 three members who are licensed midwives under chapter 148G;
20 one member who is licensed under chapter 148, is a practicing
21 family physician, and has professional experience consulting
22 for and collaborating with direct-entry midwives; one member
23 who is an advanced registered nurse practitioner licensed
24 under chapter 152, is certified by the American midwifery
25 certification board as a nurse-midwife, and has professional
26 experience consulting for and collaborating with direct-entry
27 midwives; and two members who are not licensed midwives or
28 licensed health care providers who have received direct-entry
29 midwifery services and who shall represent the general public.

30 Sec. 5. Section 147.74, Code 2015, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 5A. A midwife licensed under chapter 148G
33 may use the words "licensed midwife" or the initials "L.M."
34 after the person's name.

35 Sec. 6. NEW SECTION. 148G.1 **Definitions.**

1 As used in this chapter, unless the context otherwise
2 requires:

3 1. "*Board*" means the board of midwifery created under
4 chapter 147.

5 2. "*Licensed midwife*" means a person who is licensed to
6 practice midwifery as provided in this chapter.

7 3. "*Out-of-hospital*" means any facility, institution, or
8 place which is not an ambulatory surgical center or a hospital,
9 such as a birth center as defined in section 135.61 or a
10 private home.

11 4. "*Practice of midwifery*" means the provision of primary
12 maternity care during the antepartum, intrapartum, or
13 postpartum period by a person who is neither licensed to
14 practice under chapter 148 or 148C, nor a nurse recognized
15 by the board of nursing as an advanced registered nurse
16 practitioner who is a certified nurse-midwife, and who is not
17 rendering emergency services without compensation. "*Practice*
18 *of midwifery*" may also include the carrying and administration
19 of certain medications during the practice of midwifery,
20 including oxytocin, as a postpartum antihemorrhagic agent,
21 oxygen, intravenous fluids for stabilization, vitamin K, eye
22 prophylactics, and other drugs or procedures as appropriate for
23 the scope of practice for licensed midwives as determined by
24 the board.

25 Sec. 7. NEW SECTION. 148G.2 Licensure — licensed
26 midwifery.

27 1. Beginning July 1, 2016, every person engaged in the
28 practice of midwifery in this state shall be licensed pursuant
29 to this chapter.

30 2. Prior to obtaining licensure, an applicant shall
31 successfully pass an examination approved by the board by rule
32 demonstrating competencies in at least all of the following
33 areas: risk assessment and management; prenatal care;
34 management of normal labor, birth, and postpartum; newborn care
35 up to six weeks; and adult cardiopulmonary resuscitation and

1 newborn resuscitation.

2 3. The applicant shall provide documentation, satisfactory
3 to the board, of all of the following:

4 a. Knowledge and proficiency of all didactic components
5 of midwifery, including definitions, signs and symptoms,
6 differential diagnosis for risk assessment, stabilization and
7 treatment, follow-up, referral, and transport.

8 b. Complete and thorough preparation as an assistant midwife
9 prior to assuming responsibility as a primary midwife which
10 shall include clinical care performed under supervision during
11 training including, at a minimum:

12 (1) Seventy-five prenatal exams.

13 (2) Twenty births as an assistant midwife.

14 (3) Twenty births as primary midwife from the onset of labor
15 to the delivery of the placenta and the stabilization of mother
16 and newborn.

17 (4) Twenty newborn exams.

18 (5) Forty postpartum exams.

19 c. Assessment and verification of performance of skills
20 during an intensive, hands-on skills assessment, performed for
21 and scored by an evaluator approved by the board.

22 d. Passage of a three-hundred-fifty-item national board
23 examination that covers all aspects of midwifery care as
24 identified by job analysis approved by the board.

25 e. Evidence that the applicant has provided prenatal,
26 intrapartal, and postpartal care as well newborn assessment,
27 equivalent to a minimum of one thousand three hundred fifty
28 clinical contact hours under the direct supervision of one or
29 more instructors approved by the North American registry of
30 midwives.

31 4. The applicant shall hold a certified professional
32 midwife credential issued by the North American registry of
33 midwives or any other nationally accredited credential as
34 specified by the board. If an applicant has been subject to
35 prior revocation of a license to practice medicine or nursing,

1 the applicant shall not be eligible for licensure under this
2 chapter, except as determined by the board.

3 5. The board may request, at the applicant's expense, that
4 the department of public safety perform a criminal history
5 check and the department of human services perform child and
6 dependent adult abuse record checks of the applicant. If an
7 applicant has a criminal record or a record of founded child or
8 dependent adult abuse, the board shall perform an evaluation to
9 determine whether the record warrants denial of licensure.

10 Sec. 8. NEW SECTION. 148G.3 Use of title — penalty.

11 A person shall not use the title "licensed midwife",
12 describe or imply that the person is a licensed midwife, or
13 represent the person as a licensed midwife unless the person is
14 licensed under this chapter or is licensed as a nurse-midwife
15 under chapter 152.

16 Sec. 9. NEW SECTION. 148G.4 Rules.

17 1. The board shall:

18 a. Adopt rules relating to standards for professional
19 conduct of persons licensed under this chapter.

20 b. Adopt rules consistent with this chapter and with
21 chapters 17A, 147, and 272C which are necessary for the
22 performance of its duties.

23 c. Act on matters concerning licensure and the processes
24 of applying for, granting, suspending, imposing supervisory
25 or probationary conditions upon, reinstating, and revoking a
26 license.

27 d. Administer the provisions of this chapter requiring
28 documentation required to demonstrate competence as a midwife,
29 and the processing of applications for licenses and license
30 renewal.

31 e. Develop continuing education requirements as a condition
32 of license renewal.

33 f. Evaluate requirements for licensure in other states to
34 determine if reciprocity may be granted.

35 g. Establish and collect licensure fees as provided in

1 section 147.80 and retain fees as provided in section 147.82.

2 *h.* Establish procedures for the issuance, renewal, and
3 revocation or suspension of a license under this chapter.

4 *i.* Maintain a registry of licensed midwives and statistics
5 on the practice of midwifery utilizing vital statistics data.

6 2. In developing rules, the board may consult with
7 persons knowledgeable regarding the prenatal and postpartum
8 birth process, particularly those possessing experience
9 with out-of-hospital births, including but not limited to
10 persons licensed under chapter 148, certified professional
11 midwives, advanced registered nurse practitioners who are
12 certified nurse-midwives, and women who have given birth in
13 an out-of-hospital setting. In developing rules relating
14 to the practice of midwifery, the board shall reflect the
15 knowledge and skills identified by the North American registry
16 of midwives' current job description for the profession and the
17 standards of practice of midwifery established by the national
18 association of certified professional midwives or a successor
19 organization.

20 3. Rules relating to the practice of midwifery shall be
21 consistent with the North American registry of midwives'
22 current job description for the profession and the standards
23 of practice of midwifery established by the national
24 association of certified professional midwives or a successor
25 organization, and shall not expand the scope of practice of
26 midwifery established by the national association of certified
27 professional midwives or a successor organization.

28 4. At such time as the board determines that liability
29 insurance is available at an affordable price to certified
30 professional midwives, the board may mandate such coverage.
31 Until that time, each midwife shall comply with the disclosure
32 requirements in section 148G.5.

33 Sec. 10. NEW SECTION. 148G.5 Client disclosure.

34 Prior to accepting a patient for midwifery care, a licensed
35 midwife shall provide information to the patient indicating all

1 of the following:

2 1. Evidence that the care provider is a licensed midwife
3 meeting the requirements of this chapter.

4 2. Whether the licensed midwife has malpractice liability
5 insurance coverage and the policy limits of such coverage.

6 3. The midwife's educational background and relevant
7 experience, including experience in various birth settings.

8 4. The nature, scope, and location of the care to be
9 given, including the possibility of and the guidelines for
10 consultation, referral, or transfer of the patient to a
11 hospital from an out-of-hospital setting.

12 Sec. 11. NEW SECTION. 148G.6 **Exceptions.**

13 1. This chapter does not prevent qualified members of other
14 professions including but not limited to individuals licensed
15 under chapter 148 or 152 from providing services consistent
16 with the nature of the practice of midwifery.

17 2. This chapter does not prevent or prohibit a student
18 midwife from performing tasks related to the practice of
19 midwifery under the supervision of a licensed midwife, a
20 certified nurse-midwife, or a licensed physician during
21 completion of the licensure process.

22 3. The practice of midwifery in this state prior to July 1,
23 2016, shall not constitute grounds for disciplinary action by
24 the board. The board may issue a license to a person who has
25 practiced midwifery in this state prior to that date upon that
26 person's application and compliance with the provisions of this
27 chapter and the rules adopted pursuant to this chapter.

28 Sec. 12. NEW SECTION. 148G.7 **Prohibited practice.**

29 A person shall not practice midwifery, or represent that the
30 person is a midwife, unless the person is licensed as provided
31 in this chapter.

32 Sec. 13. NEW SECTION. 148G.8 **Requirements for licensure —**
33 **temporary license.**

34 Beginning July 1, 2016, an individual who does not meet
35 the requirements for licensure by examination pursuant to

1 section 148G.2 may apply for a one-year temporary license, the
2 qualifications for which shall be determined by the board by
3 rule. Renewal of the temporary license shall be determined
4 by the board. The board may revoke a temporary license if it
5 determines that the temporary licensee has violated standards
6 established by rule.

7 Sec. 14. Section 272C.1, subsection 6, Code 2015, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. *ag.* The board of midwifery, created pursuant
10 to chapter 147.

11 Sec. 15. Section 272C.4, subsection 6, Code 2015, is amended
12 to read as follows:

13 6. Define by rule acts or omissions that are grounds for
14 revocation or suspension of a license under section 100D.5,
15 105.22, 147.55, 148.6, 148B.7, 148G.4, 152.10, 153.34, 154A.24,
16 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15,
17 or 602.3203 or chapter 151 or 155, as applicable, and to define
18 by rule acts or omissions that constitute negligence, careless
19 acts, or omissions within the meaning of section 272C.3,
20 subsection 2, paragraph "b", which licensees are required to
21 report to the board pursuant to section 272C.9, subsection 2.

22 Sec. 16. INITIAL APPOINTMENTS.

23 1. Notwithstanding any provision to the contrary in this
24 Act, the initial midwife appointees to the board of midwifery
25 created pursuant to this Act shall fulfill the national
26 certification requirements of the North American registry of
27 midwives.

28 2. One of the initial midwife appointments to the board
29 shall be appointed for a one-year term, one shall be appointed
30 for a two-year term, and one shall be appointed for a
31 three-year term. The members who are licensed under chapter
32 148 or 152 shall each be appointed for a two-year term, and the
33 members representing the general public shall each be appointed
34 to a three-year term.

35 Sec. 17. EFFECTIVE DATE. The following provision or

1 provisions of this Act take effect July 1, 2016:

2 1. The section of this Act amending section 147.2,
3 subsection 1.

4 2. The section of this Act enacting section 148G.7.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 This bill creates new Code chapter 148G that provides for
9 the licensure of midwives beginning July 1, 2016. A midwife
10 is not an allopathic or osteopathic physician licensed under
11 Code chapter 148 or a nurse licensed under Code chapter
12 152 providing primary maternity care during the antepartum,
13 intrapartum, or postpartum period.

14 The bill provides for the establishment of a seven-member
15 board of midwifery consisting of three members who are
16 midwives, one physician, one nurse, and two members who
17 represent the general public. The bill provides for fees to
18 fund the board and provides penalties for violation of the
19 licensure requirement; those penalties are set out for all
20 health-related boards in Code chapters 147 and 272C. Code
21 section 147.86 provides that it is a serious misdemeanor to
22 violate a provision of the licensing laws.

23 The board is similar in composition and responsibilities to
24 other health-related licensing boards.

25 The provisions of the bill amending Code section 147.2 and
26 enacting Code section 148G.7, both prohibiting the practice of
27 midwifery without a license, take effect July 1, 2016.